

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TIGER SUGAR FRANCHISE USA INC.,

Plaintiff,

— against —

WIN LUCK TRADING INC.,

Defendant.

22-CV-3724 (ARR) (CLP)

NOT FOR ELECTRONIC OR
PRINT PUBLICATION

OPINION & ORDER

ROSS, United States District Judge:

This Court has received the Report and Recommendation on the instant case dated March 19, 2024, from the Honorable Cheryl L. Pollak, United States Magistrate Judge. *See* R. & R., ECF No. 24. No objections have been filed. The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-CV-874 (CBA)(LB), 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011), *aff’d*, 472 F. App’x 73 (2d Cir. 2012) (summary order). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-CV-0371 (LDH)(LB), 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Est. of Ellington ex rel. Ellington v. Harbrew Imps. Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)). Having reviewed the record, I find no clear error. I therefore adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, I deny Win Luck NJ’s Motion to Vacate the Clerk’s Entry of Default, ECF No. 21, and I deny its related Motion to Dismiss this action for lack of personal jurisdiction, ECF No. 21-6. I also deny plaintiff’s Motion for Default Judgment, ECF No. 13. Judge Pollak also

recommends that I grant plaintiff thirty days to file a Second Amended Complaint. R. & R. 14. Plaintiff, however, filed a Second Amended Complaint on April 2, 2024, ECF No. 25, before I adopted the Report and Recommendation. Although plaintiff filed its Second Amended Complaint prematurely, I retroactively grant plaintiff leave to file the Second Amended Complaint. Plaintiff is reminded that because it has named a new party in its Second Amended Complaint, it must present a summons to the Clerk for signature and seal and serve the summons and complaint on defendants. Fed. R. Civ. P. 4. Finally, I terminate Frank A. Mazzeo as counsel of record for defendant Win Luck NY unless he files a separate Notice of Appearance indicating an intent to represent Win Luck NY.

SO ORDERED.

_____/s/_____
Allyne R. Ross
United States District Judge

Dated: April 08, 2024
Brooklyn, New York